



GRAU 1638

#11

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:

JOHN BROWSE et al.

CASE NO.: BB-1036-B

APPLICATION NO.: 09/219,935

GROUP ART UNIT: 1638

FILED: DECEMBER 23, 1998

EXAMINER: E. MCELWAIN

FOR: FATTY ACID DESATURASE GENES FROM PLANTS

DATE: 20 June 2000

RECEIVED

TERMINAL DISCLAIMER
WITH RESPECT TO PATENT

JUN 30 2000

Assistant Commissioner for Patents
Washington, D.C. 20231

TECH CENTER 1600/2900

Petitioner, E. I. du Pont de Nemours and Company, a corporation organized and existing under the laws of the State of Delaware in the United States of America and having its principal place of business at Wilmington, Delaware, is the owner of 100 percent interest in the above-referenced application (hereinafter referred to as the "Subject Application"). Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the Subject Application, which would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of United States Patent 5,952,544 (hereinafter referred to as the "Prior Patent"). Petitioner hereby agrees that any patent so granted on the Subject Application shall be enforceable only for and during such period that it and the Prior Patent are commonly owned. This agreement runs with any patent granted on the Subject Application and is binding upon the grantee, its successors, or assigns.

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASST. COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231, ON THIS DATE.

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Diane M. Dick
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In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the Subject Application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of the Prior Patent, in the event that the Prior Patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Please charge the fee for a terminal disclaimer as set forth in 37 CFR 1.20(d) for \$110.00 to Deposit Account No. 04-1928 (E. I. du Pont de Nemours and Company). If this fee is insufficient or incorrect, please charge or credit the balance to the above-identified account.

Respectfully submitted,

Lynne M. Christenbury

LYNNE M. CHRISTENBURY
ATTORNEY OF RECORD
REGISTRATION NO. 30,971
TELEPHONE: 302-992-5481
FACSIMILE: 302-892-7949

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